

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING**

**HUNTER JESSUP,**

Plaintiff,

v.

**CO ANDERSON**, Correctional Officer;  
**BEAN**, Correctional Officer; **KELLY**,  
Shift Supervisor; **DIXON**, Correctional  
Officer; **FLANIGAN**, Correctional  
Officer; **ZITTMYER**, Correctional  
Officer; **CARNELLO**; **EASTERN  
REGIONAL JAIL**; and **THE WEST  
VIRGINIA REGIONAL AUTHORITY**,

Defendants.

**Civil Action No.: 5:18cv176  
(JUDGE STAMP)**

**ORDER OF DISMISSAL**

On October 23, 2018, the *pro se* Plaintiff, a state inmate incarcerated at the Martinsburg Correctional Center ("MCC"), filed this civil rights action pursuant to 42 U.S.C. § 1983, together with a motion for leave to proceed *in forma pauperis* ("IFP"), a Consent to Collection of Fees from Trust Account and a blank Prisoner Trust Account Report without ledger sheets. On that same, the Clerk of Court sent the Plaintiff a Notice of General Guidelines and a Notice of Deficient Pleading which advised him that he must file ledger sheets within 21 days or his case would be dismissed for failure to prosecute. EECF No. 6. The Notice was sent by certified mail and service was accepted at MCC on November 12, 2018. ECF No.7.

On December 6, 2018, the United States Magistrate Judge determined that the Plaintiff had not complied with the Notice of Deficient Pleading. Accordingly, an Order

to Show Cause [11] was issued that same day, and a copy was sent to the Plaintiff by certified mail, return receipt requested. The Order advised the Plaintiff that he had 14 days from entry of the Order to show cause why his case should not be dismissed without prejudice for failure to prosecute. Service was accepted at MCC on December 17, 2018. ECF No. 9.

Upon review of the file on this date, the Court finds that the Plaintiff has not complied with the Court's December 7, 2018, Order and has not requested an extension of time to do so or otherwise explained his reasons for noncompliance. Accordingly, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, it is **ORDERED** that the Complaint [ECF No. 1] is hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. It is further **ORDERED** that the Plaintiff's Motion to Proceed IFP [ECF No. 2] be **DISMISSED AS MOOT**.

IT IS SO ORDERED.

The Clerk is **DIRECTED** to transmit a copy of this Order to the Plaintiff by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

DATED: January 16, 2019

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE